

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: FEB 11 2013

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LANCE ELY,

Petitioner,

-v-

JOHN B. LEMPKE,

Respondent.  
-----X

No. 09 Civ. 5836 (RA) (HBP)

ORDER ADOPTING REPORT AND  
RECOMMENDATION

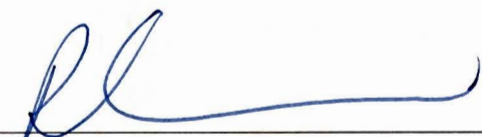
RONNIE ABRAMS, United States District Judge:

The Court hereby adopts the thorough and well-reasoned Report and Recommendation of Magistrate Judge Pitman, dated October 18, 2012, to which no objection has been filed.

Accordingly, the petition for a writ of habeas corpus is denied and the action is dismissed with prejudice. The parties' failure to file written objections, after Judge Pitman warned that such failure would result in a waiver of objections and would preclude appellate review, precludes appellate review of this decision. See Caidor v. Onondaga County, 517 F.3d 601 (2d Cir. 2008).

SO ORDERED.

Dated: February 11, 2013  
New York, New York

  
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Ronnie Abrams  
United States District Judge